

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE CAPITAL ONE CUSTOMER
DATA SECURITY BREACH LITIGATION

MDL No. 1:19-md-2915 (AJT/JFA)

**This Document Relates ONLY to the following
Case:**

MARCUS MINSKY, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

Case No. 1:19-cv-1472 (AJT)

v.

CAPITAL ONE FINANCIAL
CORPORATION, RICHARD FAIRBANK,
ROBERT ALEXANDER, and MICHAEL
JOHNSON,

Defendants.

**DEFENDANTS' MOTION TO DISMISS THE
AMENDED CLASS ACTION COMPLAINT**

Defendants Capital One Financial Corporation, Richard Fairbank, Robert Alexander, and Michael Johnson respectfully move to dismiss Plaintiff's Amended Class Action Complaint, filed January 17, 2020, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 et seq. The grounds for this motion are set forth more fully in the accompanying supporting memorandum of law.

Respectfully submitted this 18th day of February 2020.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/

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